

MISCELLANEOUS BUSINESS LICENSES (SPECIAL LICENSE)



Scottsdale Revised Code

NOTICE TO TAXPAYERS

This booklet incorporates sections of the City Code of the City of Scottsdale (August 1991) as it relates to Miscellaneous Business Licenses (Special License).

It is our hope that this booklet will assist you in understanding the licensing law.

For any additional information or clarification, please call (480) 312-2400.

	Ordinance #	Adopted	Effective
Revised	2376	7/15/91	8/14/91
Revised	2455	8/31/92	9/30/92
Revised	2612	11/15/93	12/15/93
Revised	2649	4/4/94	5/4/94
Revised	3548	3/2/04	4/2/04

TABLE OF CONTENTS

CHAPTER 16	ARTICLE IV
16-141	Definitions
16-142	Purpose and effect
16-143	Remedies cumulative
16-144	Administration
16-145	License required; imposition of fees
16-145.1	Fee Exemptions
16-146	Application form; character evidence
16-147	Term; payment of fee; transfer
16-148	Review and appeals
16-149	Renewal and duplicate licenses
16-150	Posting and display of license
16-151	(reserved)
16-152	(reserved)
16-153	Solicitation restrictions
16-154	Unlawful Acts; penalties
16-155	Revocation; Grounds

CHAPTER 16

LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IV. MISCELLANEOUS BUSINESS LICENSES

Sec. 16-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business includes all activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit or advantage, either direct or indirect, but not casual sales.

Casual sales or activities means those transactions which are isolated sales of goods or services by a person who is not engaged in business and does not represent himself as being in business.

Exhibition means a coordinated display, organized by a promoter designed to present a participant's goods and/or services to the general public for the purpose of selling such goods or services. This term includes, but is not limited to, arts and crafts shows, gun shows, culinary festivals, psychic fairs, antique shows, coin and stamp shows, and home improvement shows.

Magic arts means palmistry, phrenology, astrology, fortune telling, mind reading, clairvoyancy, tarot card reading or providing other similar activity or service.

Magic arts establishment means any business where magic arts services are provided either directly by a person, or by telephone or by mail.

Promoter means a person who organizes and assumes the responsibilities of an exhibition, including contracting with vendors using the site, and collecting admission receipts, if applicable.

Solicitor or canvasser means any individual, whether resident of the city or not, traveling either by foot, motor vehicle or any type of conveyance uninvited, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether collecting advance payments on such sales or not, or for promotion of any product or service where no sales or orders are taking place at time of promotion. A person who solicits orders and as a part of a separate transaction makes delivery to purchasers, as part of a scheme or design to evade the provisions of this article, shall be deemed a solicitor.

Vendor means a person or business that displays for sale, takes orders for or markets a product at a special event or exhibition.

Sec. 16-142. Purpose and effect.

This article is enacted for regulation purposes as well as revenue purposes. Persons required to obtain a license for transacting and carrying on any business listed in this article shall not be relieved from the payment of any tax levied for revenue purposes nor any fee required under any other ordinance of the city and shall remain subject to the provisions of such other ordinances.

Sec. 16-143. Remedies cumulative.

All remedies prescribed by this article shall be cumulative and supplemental and the use of one (1) or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

Sec. 16-144. Administration.

The administration of this article including the duty of prescribing forms is vested in the general manager except as otherwise specifically provided, and the chief of police shall render such assistance in the enforcement hereof as may, from time to time, be required by the general manager or the customer service director or designee, as appropriate.

License applications made pursuant to this article shall be submitted to the Customer Service Director or the director's designee, who shall have the authority to issue, deny, or revoke licenses in accordance with the provisions of this article and article I of this chapter.

Sec. 16-145. License required; imposition of fees.

(a) It shall be unlawful for any business subject to the license fees referenced in subsection (c), below, to engage in such business within the corporate limits of the city without first obtaining a license in compliance with the provisions of this chapter. The provisions of this article shall be inapplicable, however, to producers of agricultural products as defined in Section 3-561, Arizona Revised Statutes, or to any members of the family or agents or persons in the service of the producer when the agricultural products are sold or disposed of on behalf of and for the benefit of the producer. Those persons who have had prior contact with the owners or occupants and have been invited for the purpose of soliciting or taking orders to a private residence shall be exempt from the provisions of this subsection.

(b) There is imposed upon the business specified in this article, license fees in the amounts prescribed in this article. No person shall carry on any business named in this article in the city without having procured a license from the city and paying the fee hereinafter prescribed or without complying with any and all applicable provisions of this article. The fee imposed for an exhibition held within the city shall be levied upon the promoter of such exhibition. This fee does not relieve the promoter or any vendor of any transaction privilege tax liability imposed upon gross income pursuant to Appendix C of this code.

(c) Every person who engages in the following businesses within the city shall pay the appropriate fee indicated below:

- (1) Magic arts establishment, one hundred dollars (\$100.00) per year.
- (2) Solicitor, ten dollars (\$10.00) per day per person.
- (3) Promoter, two hundred and fifty dollars (\$250.00), if the application is not submitted at least 45 days prior to the event and updates to the vendor listing are not provided bi-weekly.

(d) At the time fingerprints are taken, the applicant shall pay the director a fee covering the cost of obtaining criminal history information for each set of fingerprints required under this article.

(e) Upon making written request for duplicate license, a fee of ten dollars (\$10.00).

Sec. 16-145.1. Fee Exemptions.

The fees imposed under Section 16-145 will not be required for the following activities: For any solicitations by an ambulance service that holds a certificate of necessity issued by the Arizona Department of Health Services to operate within the geographic bounds of the City of Scottsdale.

Sec. 16-146. Application form; character evidence.

(a) The application for a magic arts establishment or solicitor license shall be made thirty (30) days prior to the event or start of business, and promoter applications forty-five (45) days prior to the event being promoted, upon forms provided and prescribed by the general manager.

(b) Applicants for licenses for solicitors and magic arts establishments and the officers and managers of a magic arts establishment shall be required to submit to a records check, to be conducted by the police department.

(c) It is a condition precedent to the issuance of a license that the applicant furnish evidence of compliance with all applicable state and city laws, rules and regulations.

Sec. 16-147. Term; payment of fee; transfer.

(a) Magic Arts licenses under this article shall be issued for a period of one (1) year, except as otherwise provided, and fees shall be payable with the application and shall be nonrefundable.

(b) Licenses issued pursuant to this article shall be nontransferable person to person or location to location.

Sec. 16-148. Review and appeals

Any person aggrieved by any decision with respect to either the denial of or a refusal to issue a license, or the revocation of a license which is subject to this article, shall be entitled to the review and appeal procedures provided in Article I of this chapter.

Sec. 16-149. Renewal and duplicate licenses.

(a) No license shall be renewed under this article without the filing of an application. Applications for license renewal shall be completed on forms designated by the director and shall be submitted to the director with the applicable renewal fee.

(b) A duplicate license may be issued by the customer service director, or the director's designee, to replace any license issued hereunder which has been lost or destroyed upon the licensee filing a statement of such fact, and at the time of filing such statement paying the duplicate license fee.

Sec. 16-150. Posting and display of license.

(a) Any licensee under this article transacting and carrying on business at a fixed place of business, shall keep the license posted in a conspicuous place upon the premises where such business is conducted.

(b) Any licensee transacting and carrying on business, but not at a fixed place of business in the city, shall keep the license upon his person at all times while transacting and carrying on the business for which it was issued.

Sec. 16-151. (reserved).

Sec. 16-152. (reserved).

Sec. 16-153. Solicitation restrictions.

(a) No child or children under the age of sixteen (16) shall solicit within the city pursuant to a permit granted under this article unless supervised by a responsible adult holding a permit issued pursuant to this article.

(b) Solicitation shall not commence earlier than 9:00 a.m. nor extend later than 9:00 p.m. on any day. Solicitors under the age of sixteen (16) are only allowed to solicit between 9:00 a.m. and 7:00 p.m.

(c) A copy of the solicitation permit issued by the city must be carried by each person soliciting. Each solicitor must also have a name tag visible at all times which includes their name and the name of the business for which they are soliciting.

Sec. 16-154. Unlawful Acts; Penalties

A violation of any of the provisions of this article shall be punishable as Class 1 misdemeanors are punishable under state law. Each day that a violation of this article continues shall constitute a separate offense.

Sec. 16-155. Revocation; Grounds

Licenses issued pursuant to this article shall be subject to revocation, in accordance with the provisions of article 1 of this chapter.

INDEX

	Page
Administration	3
Appeals	5
Application form	4
Character evidence	4
Definitions	1-2
Due date	4
Fees:	
Original and renewal	3-4
Duplicate license	5
Exemption	4
Records check fee	4
License required	3
Non-transferable	5
Posting and display of licenses	6
Renewal	5
Revocation; Grounds	7
Solicitation restrictions	6
Term of license (length of time license is issued)	5
Unlawful acts; Penalties	7